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SENATE BILL 400

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO MOTOR VEHICLE LICENSING; PROVIDING AN EXCEPTION TO
NIGHT DRIVING REQUIREMENTS FOR PROVISIONAL LICENSE HOLDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-8 NMSA 1978 (being Laws 1978,
Chapter 35, Section 230, as amended) is amended to read:

"66-5-8. PROVISIONAL LICENSES--INSTRUCTION PERMITS--
DRIVER EDUCATION STUDENTS--TEMPORARY LICENSES. --

A. A person fifteen years and six months of age or
older who has completed a driver education course that includes
a DWI prevention and education program approved by the bureau
or offered by a public school, who has had an instruction
permit for at least six months, and who has successfully
completed a practice driving component may apply to the
division for a provisional license. Successful completion of a

underscored material = new
[bracketed material] = delete

1 practice driving component shall include not less than fifty
2 hours of actual driving by the applicant, including not less
3 than ten hours of night driving. A driver who has a medical
4 condition that prevents driving at night may substitute ten
5 hours of daytime driving for night driving upon presentation to
6 the division of a signed doctor's statement that the driver
7 should be exempt from the night-driving requirement. The
8 applicant's parent or guardian shall certify that the applicant
9 has completed the practice driving component.

10 B. When operating a motor vehicle, a provisional
11 licensee may be accompanied by not more than one passenger
12 under the age of twenty-one who is not a member of the
13 licensee's immediate family. A provisional license entitles
14 the licensee, while having the license in his immediate
15 possession, to operate a motor vehicle upon the public highways
16 between the hours of 5:00 a.m. and midnight unless the
17 provisional licensee is eligible for a license restricting
18 driving to daylight hours. A provisional licensee may drive at
19 any hour unless otherwise restricted as provided in this
20 subsection if:

- 21 (1) accompanied by a licensed driver twenty-
22 one years of age or older;
- 23 (2) required by family necessity as evidenced
24 by a signed statement of a parent or guardian;
- 25 (3) required by medical necessity as evidenced

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1 by a signed statement from medical personnel;

2 (4) driving to and from work as evidenced by a
3 signed statement from the licensee's employer;

4 (5) driving to and from school or a religious
5 activity as evidenced by a signed statement of a school or
6 religious official or a parent or guardian; or

7 (6) required due to a medical emergency.

8 C. A provisional license shall not be issued to a
9 person convicted of a traffic violation in the ninety days
10 prior to applying for a provisional license. A provisional
11 license shall be in such form as to be readily distinguishable
12 from an unrestricted driver's license and shall contain an
13 indication that the licensee may drive without supervision.

14 D. ~~Any~~ A person fifteen years of age or older who
15 is enrolled in and attending or has completed a driver
16 education course that includes a DWI prevention and education
17 program approved by the bureau or offered by a public school
18 may apply to the division for an instruction permit. The
19 division, in its discretion after the applicant has
20 successfully passed all parts of the examination other than the
21 driving test, may issue to the applicant an instruction permit.
22 This permit entitles the applicant, while having the permit in
23 his immediate possession, to drive a motor vehicle upon the
24 public highways for a period of six months when accompanied by
25 a licensed driver twenty-one years of age or older who has been

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1 licensed for at least three years in this state or in another
2 state and who is occupying a seat beside the driver except in
3 the event the permittee is operating a motorcycle.

4 E. A person fifteen years of age or older who is a
5 student enrolled in and attending a driver education course
6 that is approved by the bureau or offered by a public school
7 and that includes both a DWI education and prevention component
8 and practice driving component may drive a motor vehicle on the
9 highways of this state even though he has not reached the legal
10 age to be eligible for a driver's license or a provisional
11 license. In completing the practice driving component, a
12 person may only operate a motor vehicle on a public highway if:

13 (1) an approved instructor is occupying a seat
14 beside the person; or

15 (2) a licensed driver twenty-one years of age
16 or older who has been licensed for at least three years in this
17 state or another state is occupying a seat beside the person.

18 F. The division in its discretion may issue a
19 temporary driver's permit to an applicant for a driver's
20 license permitting him to operate a motor vehicle while the
21 division is completing its investigation and determination of
22 all facts relative to the applicant's right to receive a
23 driver's license. The permit shall be in his immediate
24 possession while operating a motor vehicle, and it shall be
25 invalid when the applicant's license has been issued or for

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1 good cause has been refused.

2 G. [~~Any~~] A holder of an instruction permit for a
3 motorcycle shall not carry any other passenger while operating
4 a motorcycle. "

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